

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARCOVICH,

No. C 08-1736 WDB

Plaintiff,

ORDER FOLLOWING INITIAL CASE  
MANAGEMENT CONFERENCE

v.

VITAMIN SHOPPE INDUSTRIES,  
et al.,

Defendants.

On August 28, 2008, the parties appeared for an Initial Case Management Conference. In their Joint Case Management Statement and on the record during the Conference, the parties indicated that they were amenable to attempting to resolve this action through mediation. Accordingly, the Court decided to defer setting a trial date until after the parties have attended a court-sponsored mediation. The Court encouraged the parties to use the time leading up to the mediation to take focused depositions of medical witnesses and to undertake any other surgical discovery that is necessary to have a productive mediation.

The undersigned will forward a copy of this Order to the Court's ADR Department with a request that a mediator with legal expertise in medical products liability be assigned to the case. A member of the ADR Department's staff will contact the parties to provide further details about the mediation.

If the parties are not able to resolve the case through mediation, they must appear before the undersigned on **Thursday, December 11, 2008, at 1:30 p.m.**, for a further case management conference during which the Court will set a trial date. Counsel may appear by telephone for the conference by notifying the undersigned's administrative law clerk at least

1 two days before the hearing at (510) 637-3324. **By no later than Tuesday, December 9,**  
2 **2008, at noon,** the parties must file a Further Joint Case Management Statement that  
3 describes the discovery that has taken place and suggests a specific case development plan  
4 and schedule. The parties must not include in this Statement any information about the  
5 substance of their settlement negotiations.

6 If the matter settles before December 11, 2008, the parties must promptly prepare and  
7 file dismissal papers and notify the Court by calling (510) 637-3324.

8 IT IS SO ORDERED.

9 Dated: August 28, 2008

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12 WAYNE D. BRAZIL  
13 United States Magistrate Judge  
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